

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, tentatively rejected all claims 1-18 and 23-29. In response, Applicants submit the foregoing amendments and the following remarks. In particular, claims 1-4, 9-12, 15, 23-26, and 28-29 are amended, and claims 8, 13, and 27 are canceled, without waiver, prejudice, or disclaimer. Applicants expressly reserve the right to pursue the subject matter of the canceled claims in a continuing application. Applicants respectfully request reconsideration and withdrawal of the rejections for at least the following reasons.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

The Office Action rejected claims 1-8, 15, 28, and 29 under 35 U.S.C. § 112, second paragraph, as being indefinite and allegedly failing to point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action, at page 2, states:

Claims 1, 8 and 15 recite the limitation of “determining a second ratio according to a first channel value for the interior point”. This claim is indefinite in that for a ratio to be calculated two quantities are needed. The claim as recited only determines the second ratio according to a channel value of an interior point, without a second quantity for the ratio to be calculated.

Applicants respectfully submit that the rejection has been overcome by amendment. In particular, amended claims 1 and 15 recite that the second ratio is determined “according to a first channel value for the interior point and the first channel values of the at least two side points.” Additionally, amended claim 1 now clarifies that a first ratio is determined “for each of the at least two side points ... according to a first

channel value for each respective one of the at least two side points and the primitive vertices data.” Thus, the amended claims clearly specify that at least two quantities are used in calculating the above ratios.

The rejections of claims 2-7 and 28-29 have consequently been overcome because these claims depend from claim 1. Claim 8 has been canceled, thereby rendering the rejection of this claim moot. Therefore, Applicants respectfully submit that the rejections under 35 U.S.C. § 112, second paragraph have been overcome.

Claim Rejections - 35 U.S.C. § 101

The Office Action rejected claims 1-7, 9-12, 16-18, 23-26, and 28-29 under 35 U.S.C. § 101, because they allegedly fail to fall within one of the four statutory categories of the invention. Applicants respectfully submit that the rejections have been overcome by amendment.

Regarding claims 1-7, 9-12, 16-18, 23-26, and 28-29, the Office Action at page 3 states, “The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.” In response, Applicants have amended claims 1-4, 9-12, 23-26, and 28-29 to specify that the steps of the method occur “in a graphics system.” A “graphics system” is defined by the specification beginning at the top of page 7 (“Referring now to Fig. 1, there is shown a block diagram of a graphics system for practicing the present invention.”).

The Federal Circuit recently stated, “A claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a

particular article into a different state or thing.” *In re Bilski*, No. 2007-1130, page 10 (Fed. Cir. 2008). Amended claims 1-4, 9-12, 23-26, and 28-29 are patent eligible for at least the reason that they are tied to “a graphics system.” Accordingly, claims 5-7, which depend from claim 1, are likewise patent eligible.

Claims 8, 13, and 27 have been canceled, thereby rendering the rejections of these claims moot. Therefore, Applicants respectfully submit that the rejections as to non-statutory subject matter have been overcome.

Double Patenting

Claims 8, 13, and 27 have been canceled, thereby rendering the double patenting rejection moot.

Claim 14 Allowable

Although the Office Action Summary page indicates that claim 14 stands rejected, the rejections in the Detailed Action do not refer to claim 14, which is an independent claim. Accordingly, the indication in the summary page is believed to be an error, and claim 14 is believed to be allowable.

Accordingly, claim 14 is presented herein without amendments, and Applicants respectfully submit that it is in condition for allowance. As there has been no specific or express rejection of claim 14, any rejection of claim 14 in an ensuing Office Action would constitute new grounds, not necessitated by any amendment. Accordingly, any such Office Action would need to be non-FINAL.

CONCLUSION

Accordingly, all pending claims are now in condition for allowance.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

A credit card authorization is provided herewith to cover the fees associated with the accompanying RCE. No additional fee is believed to be due in connection with this submission. If, however, any additional fee is deemed to be payable, you are hereby authorized to charge any such fee to deposit account 20-0778.

Respectfully submitted,

/Daniel R. McClure/

By:

Daniel R. McClure
Registration No. 38,962

Thomas, Kayden, Horstemeyer & Risley, LLP
600 Galleria Pkwy, SE
Suite 1500
Atlanta, GA 30339
770-933-9500